

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BAYER US LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 8:22-cv-00082
)	
ALTEN, LLC; MEAD CATTLE)	
COMPANY, LLC; GREEN DISPOSAL)	
MEAD, LLC; PLATTE RIVER GREEN)	JOINT STATUS REPORT
FUELS, LLC; and TANNER SHAW, in his)	
Individual and official capacities,)	
)	
Defendants.)	

PIONEER HI-BRED INTERNATIONAL,)	
INC.; CORTEVA AGRISCIENCE, LLC;)	
AGRELIANT GENETICS, LLC; BECK'S)	
SUPERIOR HYBRIDS, INC.; and)	
WINFIELD SOLUTIONS, LLC,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 8:22-cv-00070
)	
ALTEN, LLC; MEAD CATTLE)	
COMPANY, LLC; GREEN DISPOSAL)	
MEAD, LLC; PLATTE RIVER GREEN)	
FUELS, LLC; and TANNER SHAW, in his)	
Individual and official capacities,)	
)	
Defendants.)	

SYNGENTA SEEDS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 8:22-cv-00071
)	
ALTEN, LLC; MEAD CATTLE)	
COMPANY, LLC; GREEN DISPOSAL)	
MEAD, LLC; PLATTE RIVER GREEN)	

FUELS, LLC; TANNER SHAW and)
 SCOTT TINGELHOFF,)
)
 Defendants.)

JOINT STATUS REPORT

COMES NOW Plaintiffs Pioneer Hi-Bred International, Inc.; Corteva Agriscience, LLC; AgReliant Genetics, LLC; Beck’s Superior Hybrids, Inc.; Winfield Solutions, LLC; Syngenta Seeds, LLC; and Bayer US LLC (“Plaintiffs”), and Defendants AltEn, LLC; Mead Cattle Company, LLC; Green Disposal Mead, LLC; Platte River Green Fuels, LLC; Earth, Energy, & Environment, LLC; AltEn Operating Co. LLC; E3 Biofuels, LLC; Integrated Recycling, LLC; Falcon Energy, LLC; Mead Acquisition Company, LLC; and Tanner Shaw and Scott Tingelhoff (“Defendants”), and hereby submit a Joint Status Report to the Court as required by the November 15, 2023 Amended Case Progression Order (“Progression Order”) (Filing No.141):

1. Since entry of the Progression Order, the Plaintiffs (known as the AltEn Facility Response Group (“FRG”)), the Defendants, and the State of Nebraska (“State”) have initiated confidential settlement discussions about a global resolution of this lawsuit and the other outstanding lawsuits concerning the AltEn property (“Site”). FRG will continue its efforts under the Voluntary Cleanup Program with the Nebraska Department of Environment and Energy (“NDEE”).

2. As the Court is aware, in addition to the instant case, there are two Nebraska State Court cases related to the Site and the Defendants’ activities on or relating to it (collectively referred to as the “State-court Actions”). First, there is a tax lien foreclosure case, Saunders County District Court Case No. CI 22-167, relating to the Site. In November 2023, the district court of Saunders County granted the State’s motion to stay the case for approximately one (1) year, finding that the property at issue “is currently undergoing remediation,” that “AltEn currently holds the [] permits to continue the remediation efforts,” and that “[a] stay would maintain AltEn as the property owner and permit holder to ensure that remediation efforts are not disrupted.” (**Ex. A**, Order Staying Proceedings, Case No. CI22-167 (Neb.Dist.Ct., Nov. 30, 2023)). A status hearing on the tax lien case is scheduled for December 2, 2024.

3. Second, the State of Nebraska filed Saunders County District Court Case No. CI 21-36 on March 1, 2021, in which the State claims AltEn violated several environmental protection laws of the State. On April 10, 2024, the State and AltEn filed a joint request for a stay of that action until December 1, 2024 in consideration of the on-going Site remediation and the start of multi-lateral settlement discussions. (**Ex. B**, Joint Stipulated Motion to Stay Proceedings, *Nebraska, ex rel. v. AltEn, LLC*, No. CI21-36 (Neb.Dist.Ct., Apr. 10, 2024)). The district court granted the stay on April 11, 2024 and scheduled a status hearing for December 2, 2024. (**Ex. C**, Order dated April 11, 2024).

4. As mentioned in Paragraph 1 herein, Plaintiffs and Defendants have been communicating with each other and the State. In March 2024, representatives of the Plaintiffs, Defendants, and the State met in person to discuss global resolution of the instant litigation and the State-court Actions.

5. At the conclusion of the March 2024 meeting, the State, Plaintiffs, and Defendants agreed to meet again to resume their formal settlement discussions in **May 2024**.

6. Based on the on-going nature of the FRG's remediation efforts, which are described in further detail in an attachment to be provided to the Court prior to the April 24, 2024 status hearing, the importance of Site remediation to the final resolution of the State-court Actions, the stay of the tax lien case (Case No. CI22-167) until December 2024, the Saunders County district court's grant of a stay of the State's enforcement action until December 2024 (Case No. CI21-36), and the Parties' diligent and formal efforts to resolve the instant case and the State-court Actions, the Plaintiffs and Defendants jointly seek an additional extension of the case progression order deadlines that will align the next status conference in this case with the December 2, 2024 status hearings in the two related state court actions. An extension not only facilitates the work in remediating the Site, an important factor in the resolution of the instant case and the State-court Actions, it also furthers the Parties' engagement with the State in settlement discussions and acknowledges the postures of the related State-court Actions.

Dated: April 15, 2024.

Respectfully submitted,

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